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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,106	01/17/2001	Kaoru Iwakuni	50023-131	3653

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Washington, DC 20005-3096

EXAMINER
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NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 04/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

PL4

# Office Action Summary

## Application

09/761,106

## Examiner

Brian D Nguyen

## Applicant(s)

IWAKUNI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-21 is/are allowed.
- 6) ☒ Claim(s) 1,7-10 and 22 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 23-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Objections*

2. Claims 22-25 are objected to because of the following informalities:

Claim 22, it is suggested to insert ---digital--- before "broadcasting".

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7, 9-10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi (6,408,038) in view of Taura (6,067,332).

Regarding claims 1, 7, and 9-10, discloses a transmission method of a digital broadcasting for transmitting program data including at least one of digital audio data and digital

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video data multiplexed with other information wherein the frequency band is a very high frequency band and wherein the multiplexing signals are based on the Eureka 147 (see abstract; col. 1, lines 4-19). Takeuchi does not explicitly disclose the multiplexed data include program data, download data, and reference data. However, Taura discloses Eureka 147 includes these data (see col. 1, lines 4-24). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the program data, download data (value added services), and reference data as taught by Taura in the system of Takeuchi in order to meet Eureka 147 requirement.

Regarding claim 22, claim 22 is a system claim that has substantially all the limitations of the respective method claim 1. Therefore, they are subject to the same rejection.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi (6,408,038) in view of Taura et al (6,067,332) as applied to claim 1 above, and further in view of Sakamoto (6,272,194).

Regarding claim 8, Takeuchi in view of Taura discloses all the claimed subject matter as described in previous paragraph except for the reference information is transmitted as part of frames composing a transmission unit of the program data. However, to transmit the reference information as part of frames composing a transmission unit of the program data is a matter of choice. Sakamoto discloses the ancillary portion of the frame can contain reference information (see col. 1, lines 44-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to insert useful information such as the reference information into the ancillary portion of the frame as taught by Sakamoto in the system of

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Takeuchi in view of Taura because the ancillary portion of the frame is reserved for storing any kind of reference information transmitting to the receiving apparatus.

*Allowable Subject Matter*

6. Claims 11-21 are allowed.
7. Claims 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klank (6,330,293), Nomura (6,563,896), and Hamada (6,650,659).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian Nguyen  
4/10/04